

Translation

PATENT COOPERATION TREATY

PCT/EP2003/011743



PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY
(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference P036333/WO/1	FOR FURTHER ACTION		See Form PCT/IPEA/416
International application No. PCT/EP2003/011743	International filing date (day/month/year) 23 October 2003 (23.10.2003)	Priority date (day/month/year) 11 December 2002 (11.12.2002)	
International Patent Classification (IPC) or national classification and IPC G08G 1/16			
Applicant DAIMLERCHRYSLER AG			

<p>1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of <u>5</u> sheets, including this cover sheet.</p> <p>3. This report is also accompanied by ANNEXES, comprising:</p> <p>a. <input type="checkbox"/> (sent to the applicant and to the International Bureau) a total of _____ sheets, as follows:</p> <p><input type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).</p> <p><input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.</p> <p>b. <input type="checkbox"/> (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) _____, containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).</p>	
<p>4. This report contains indications relating to the following items:</p> <p><input checked="" type="checkbox"/> Box No. I Basis of the report</p> <p><input type="checkbox"/> Box No. II Priority</p> <p><input type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</p> <p><input type="checkbox"/> Box No. IV Lack of unity of invention</p> <p><input checked="" type="checkbox"/> Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</p> <p><input type="checkbox"/> Box No. VI Certain documents cited</p> <p><input type="checkbox"/> Box No. VII Certain defects in the international application</p> <p><input type="checkbox"/> Box No. VIII Certain observations on the international application</p>	

Date of submission of the demand 27 April 2004 (27.04.2004)	Date of completion of this report 21 December 2004 (21.12.2004)
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/EP2003/011743

Box No. I Basis of the report

1. With regard to the language, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.

- ☐ This report is based on translations from the original language into the following language _____, which is language of a translation furnished for the purpose of:
- ☐ international search (under Rules 12.3 and 23.1(b))
 - ☐ publication of the international application (under Rule 12.4)
 - ☐ international preliminary examination (under Rules 55.2 and/or 55.3)

2. With regard to the elements of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:

- ☐ The international application as originally filed/furnished
- ☒ the description:
- pages _____ 2-8 _____, as originally filed/furnished
- pages* _____ 1, 1a _____ received by this Authority on _____ 21 July 2004 (21.07.2004)
- pages* _____ received by this Authority on _____
- ☒ the claims:
- pages _____, as originally filed/furnished
- pages* _____, as amended (together with any statement) under Article 19
- pages* _____ 1-9 _____ received by this Authority on _____ 21 July 2004 (21.07.2004)
- pages* _____ received by this Authority on _____
- ☐ the drawings:
- pages _____, as originally filed/furnished
- pages* _____ received by this Authority on _____
- pages* _____ received by this Authority on _____
- ☐ a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.

3. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages _____
- ☐ the claims, Nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (*specify*): _____
- ☐ any table(s) related to sequence listing (*specify*): _____

4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

- ☐ the description, pages _____
- ☐ the claims, Nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (*specify*): _____
- ☐ any table(s) related to sequence listing (*specify*): _____

* If item 4 applies, some or all of those sheets may be marked "superseded."

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/EP 03/11743

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	1-9	YES
	Claims		NO
Inventive step (IS)	Claims	1-9	YES
	Claims		NO
Industrial applicability (IA)	Claims	1-9	YES
	Claims		NO

2. Citations and explanations

1. Reference is made to the following documents:

- D1: US-A-6 084 508 (VAN MEEL FRANCISCUS et al.),
4 July 2000 (2000-07-04)
- D2: US-B1-6 223 125 (HALL BRETT O), 24 April 2001
(2001-04-24)
- D3: US-B1-6 191 704 (KAYANO MITSUO et al.),
20 February 2001 (2001-02-20)
- D4: EP-A-0 464 821 (FIAT AUTO SPA), 8 January 1992
(1992-01-08)

2. Claim 1

Document D1, which is considered to be the prior art closest to the subject matter of claim 1, discloses (the references in parentheses are to D1) a "safety device for motor vehicles". The subject matter of claim 1 differs in that the following technical features (a) and (b) are missing:

- (a) "the monitoring equipment initiates an output signal to prevent the vehicle from driving into the danger zone"
- (b) "if an obstacle preventing full traversal of the danger zone is detected"

The subject matter of claim 1 is therefore **novel** (PCT Article 33(2)).

The problem addressed by the present invention can thus be seen as that of ensuring that:

"a danger zone is not blocked by a vehicle"

The solution proposed in claim 1 of the present application involves an **inventive step** (PCT Article 33(3)) for the following reasons:

In D1 an emergency braking operation is carried out to avoid a collision, which means that it is still possible to block the danger zone. For example, the vehicle might block the danger zone either completely or partially. The solution according to claim 1 of the present application is neither disclosed in nor suggested by documents D2, D3 and D4, either individually or in combination with each other.

The subject matter of claim 1 is therefore **novel** (PCT Article 33(2)) and **inventive** (PCT Article 33(3)).

3. **Claims 2 to 17**

Claims 2 to 17 are dependent on claim 1 and therefore also meet the PCT requirements in respect of novelty (PCT Article 33(2)) and inventive step (PCT Article 33(3)).